

GREGORY L. BROWN
J-82241
P.O. Box 5246
CORCORAN, CA 93212

FILED
08 JUL 22 PM 12:46
RICHARD W. WIEKING
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

United States District Court
Northern District of California

(PR)
MMC

GREGORY L. BROWN,
Petitioner,

V.

KEN CLARK, WARDEN,
Respondent.

CV 08 3501
No. _____

GREG'S Supporting Documents
For His Declaration And
Memorandum In Support Of
Good Cause To File A
Late Petition For Writ Of
Habeas Corpus Due To
Newly Discovered Evidence
And A Claim Of Actual Innocence

GREGORY L. BROWN declares that:

- 1.) I am the petitioner in the above entitled-action.
- 2.) The documents attached hereto are supporting documents for my Declaration And Memorandum In Support Of Good Cause To File A Late Petition For Writ Of Habeas Corpus Due To Newly Discovered Evidence served on the court on or about April, 2008. Furthermore, under penalty of perjury I declare that the affixed supporting

1 documents ARE EXACT COPIES of what I declare
2 them to be AS SET FORTH IN THE SAID document.

3 GREG, the petitioner, declares under penalty of
4 perjury that the foregoing is TRUE AND CORRECT.

5
6 DATE: ~~4/~~ /08
7 7/8/08

8 Respectfully submitted,
9 Gregory L. Brown
10 GREGORY L. BROWN,
11 Petitioner
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Declaration of Service

CASE NAME : GREGORY L. BROWN V. KEN Clark, WARDEN

CASE No. : _____

I declare : July 8, 2008

On ~~May~~, 2008, I served the attached
GREG'S Supporting Documents For His Decl./Memor. In Support Of
Petition For Writ of Habeas Corpus.

by placing a TRUE COPY thereof ENCLOSED IN A SEALED
ENVELOPE WITH POSTAGE THEREON fully prepaid, in the
PRISON mail collection system AT SATE CORCORAN
STATE PRISON, in California, addressed as follows :

Clerk, U.S. District Court
Northern District of California
450 Golden Gate Ave., 16th Floor
SAN FRANCISCO, CA 94102

I declare under penalty of perjury that
the foregoing is true and correct.

7/8/08
Dated : 5/1/08

Gregory L. Brown
GREGORY L. BROWN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,)	No. C 08-3501 MMC (PR)
Petitioner,)	
v.)	ORDER ADMINISTRATIVELY
)	CLOSING CASE; DIRECTIONS TO
KEN CLARK, Warden,)	CLERK
Respondent.)	

On July 22, 2008, two habeas corpus actions were opened in this court as the result of filings received from petitioner, a California prisoner proceeding pro se. The first action, C 08-3502, is a petition for a writ of habeas corpus, in which petitioner alleges that in 1995, in the Superior Court of San Francisco County, he was wrongly convicted of conspiracy to commit murder and attempted murder. (See Brown v. Clark, C 08-3502 MMC (PR)). On July 28, 2008, the Court dismissed the petition as a second or successive petition, pursuant to 28 U.S.C. § 2244(b).

The above-titled action is the second action, which is comprised of two documents. The first document is titled “Greg’s Declaration and Memorandum in Support of Good Cause to File a Late Petition for Writ of Habeas Corpus Due to Newly Discovered Evidence and a Claim of Actual Innocence” (“Declaration”); the second document consists of exhibits in support of said Declaration. In his Declaration, petitioner explains that he is seeking leave to file, on grounds of newly discovered evidence, a “late” petition challenging his 1995


1 conviction for conspiracy to commit murder and attempted murder.

2 It is clear from the Declaration that petitioner intended that both the Declaration and
3 supporting exhibits be filed with his petition in Case No. C 08-3502. Accordingly, as the
4 instant action was opened in error, the Clerk of the Court is hereby DIRECTED to
5 administratively close the case and to file the documents from the instant action in case
6 number C 08-3502.¹

7 Because the instant action was opened in error, no filing fee is due.

8 IT IS SO ORDERED.

9 DATED: July 30, 2008

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11 MAXINE M. CHESNEY
12 United States District Judge
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27 ¹Case No. C 08-3502 remains closed. The filing of the above-referenced documents
28 in Case No. C 08-3502 is an administrative matter and has no effect on the Court's dismissal
of the petition therein as a second or successive petition.